

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 34 Session of 2013

INTRODUCED BY HARPER, STURLA, O'BRIEN, FLECK, ROSS, HAGGERTY, HARHART, V. BROWN, PASHINSKI, KORTZ, O'NEILL, WATSON, BRADFORD, MCCARTER, PETRI, CALTAGIRONE, MATZIE, FREEMAN, MILNE, MURT AND MOLCHANY, JANUARY 8, 2013

AS AMENDED ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES, FEBRUARY 6, 2013

AN ACT

1 Requiring the design, construction and renovation of certain
2 State-owned or State-leased buildings to comply with
3 specified energy and environmental building standards; and
4 providing for the powers and duties of the Department of
5 General Services.

6 The General Assembly of the Commonwealth of Pennsylvania
7 hereby enacts as follows:

8 Section 1. Short title.

9 This act shall be known and may be cited as the High-
10 Performance State Building Standards Act.

11 Section 2. Purpose.

12 The General Assembly declares the purposes of this act as
13 follows:

14 (1) To promote effective energy and environmental
15 standards for construction, rehabilitation and maintenance of
16 buildings in this Commonwealth.

17 (2) To optimize the energy performance of Commonwealth
18 buildings.

1 (3) To increase the demand for environmentally
2 preferable building materials, finishes and furnishings.

3 (4) To improve environmental quality in this
4 Commonwealth by decreasing the discharge of pollutants from
5 buildings and their manufacture.

6 (5) To create public awareness of new technologies that
7 can improve the health and productivity of building occupants
8 by meeting advanced criteria for indoor air quality.

9 (6) To improve working conditions and reduce building-
10 related health problems.

11 (7) To reduce this Commonwealth's dependence upon
12 imported sources of energy through buildings that conserve
13 energy and utilize local and renewable energy sources.

14 (8) To protect and restore this Commonwealth's natural
15 resources by avoiding development of inappropriate building
16 sites.

17 (9) To reduce the burden on municipal water supply and
18 treatment by reducing potable water consumption.

19 (10) To reduce waste generation and to manage waste
20 through recycling and diversion from landfill disposal.

21 (11) To improve the Commonwealth's capacity to design,
22 build and operate high-performance buildings and, in doing
23 so, to create new jobs and contribute to economic growth.

24 Section 3. Definitions.

25 The following words and phrases when used in this act shall
26 have the meanings given to them in this section unless the
27 context clearly indicates otherwise:

28 "Building project." The design, construction or renovation
29 of any physical structure and its associated project building
30 site.

1 "Commonwealth agency." An executive agency, an independent
2 agency, a State-affiliated entity or State-related institution
3 as defined by 62 Pa.C.S. § 103 (relating to definitions). The
4 term also includes the General Assembly, its officers and
5 agencies and the unified judicial system and its officers and
6 agencies.

7 "Department." The Department of General Services of the
8 Commonwealth.

9 "High-performance building." A building designed to achieve
10 integrated systems design and construction so as to
11 significantly reduce or eliminate the negative impact of the
12 built environment.

13 "Major facility project." Any of the following:

14 (1) A State-owned building project in which the building
15 to be constructed is larger than 20,000 gross square feet.

16 (2) A new building project in which the building to be
17 constructed is more than 20,000 gross square feet and in
18 which building a Commonwealth agency has agreed to lease no
19 fewer than 90% of the gross square feet.

20 (3) A renovation project that is larger than 20,000
21 gross square feet and at least 90% of the total square
22 footage of the building.

23 The term does not include a building, regardless of size or
24 ownership interest, that does not have conditioned space as
25 defined by Standard 90.1 of the American Society of Heating,
26 Refrigerating and Air-Conditioning Engineers, referred to as
27 ASHRAE 90.1.

28 "Renovation project." A building project involving the
29 modification or adaptive reuse of an existing facility that is
30 owned or leased by a Commonwealth agency.

1 Section 4. Standards.

2 (a) Minimum criteria.--The high-performance building
3 standards applicable to this act shall meet the following
4 minimum criteria:

5 (1) At a minimum, include performance-based categories
6 or credits that will foster achievement of the purposes set
7 forth under section 2(2), (3), (4), (6), (7), (8), (9) and
8 (10).

9 (2) Require documentation, verifiable calculations or
10 the equivalent procedure to substantiate and support any
11 claim made relating to paragraph (1).

12 (3) Employ third-party, postconstruction review and
13 verification for achievement of certification by an
14 organization that has a track record of certified green
15 buildings in the United States and uses a consensus-based
16 rating system.

17 (b) Level of performance.--The performance required under
18 the adopted high-performance building standards shall be at or
19 above the level beyond the minimum level required by the
20 selected standards.

21 (c) Achieve Energy Star ratings.--

22 (1) In addition to meeting the performance requirements
23 of the adopted high performance building standards, all major
24 facility projects are required to be designed to earn Energy
25 Star certification to achieve an Environmental Protection
26 Agency Energy Star rating of 75 or above.

27 (2) Paragraph (1) shall apply only to major facility
28 projects which commence after the effective date of this act
29 and involve building types for which the Environmental
30 Protection Agency provides Energy Star ratings.

1 (D) COST RECOVERY.--THE DIFFERENCE BETWEEN ANY ADDITIONAL
2 COST INCURRED IN A MAJOR FACILITY PROJECT AND THE LOWEST COST
3 ALTERNATIVE SHALL HAVE AN ESTIMATED RECOVERY PERIOD OF NOT MORE
4 THAN TEN YEARS.

5 Section 5. Scope.

6 All major facility projects shall meet or exceed the
7 prescribed level of achievement under the high-performance
8 building standard adopted under section 6.

9 Section 6. Regulations.

10 The department shall develop and issue regulations for
11 complying with this act. The purposes of the regulations shall
12 be to:

13 (1) Adopt high-performance building standards selected
14 by the department from among accepted industry standards
15 meeting the criteria prescribed in section 4(a).

16 (2) Define procedures and methods for verifying
17 compliance with the standards, as set forth under sections 4
18 and 5, in the design and construction of major facility
19 projects subject to this act.

20 (3) Specify the level of achievement to be met under
21 section 5.

22 Section 7. Report.

23 The department shall prepare and submit annually a report to
24 the chairman and the minority chairman of the Environmental
25 Resources and Energy Committee of the Senate, the chairman and
26 the minority chairman of the Environmental Resources and Energy
27 Committee of the House of Representatives, the chairman and
28 minority chairman of the State Government Committee of the
29 Senate and the chairman and minority chairman of the State
30 Government Committee of the House of Representatives. The report

1 shall at a minimum include:

2 (1) The number and type of buildings designed and
3 constructed utilizing each of the rating systems recognized
4 under this act.

5 (2) The levels of certification of each building
6 designed, constructed or renovated.

7 (3) A description of all potential environmental
8 benefits, including, but not limited to, water resources
9 savings and the reduction of waste generation.

10 (4) Any conflicts or barriers identified which hinder
11 the effective implementation of this act.

12 Section 8. Monitoring and evaluation.

13 The department shall develop and implement a process to
14 monitor and evaluate the energy and environmental benefits
15 associated with each major facility project designed,
16 constructed or renovated under this act. The Commonwealth agency
17 occupying the building shall commence monitoring and evaluation
18 in accordance with the department-established process one year
19 after the completion and occupancy of the major facility project
20 and continue for five years thereafter.

21 Section 9. Applicability.

22 This act shall apply as follows:

23 (1) The provisions of this act shall apply to all major
24 facility projects where design commences at least 60 days
25 after the final regulations are promulgated by the department
26 under section 6.

27 (2) The provisions of this act shall apply to all
28 project construction contracts initiated after one year
29 following the effective date of this section.

30 Section 10. Enforcement.

1 The department shall not implement or enforce the provisions
2 of this act as they apply to major facility projects owned or
3 leased by a Commonwealth agency until the Secretary of General
4 Services and the Secretary of the Budget determine there is
5 adequate funding available to cover additional costs resulting
6 from compliance with the requirements of this act.

7 Section 11. Effective date.

8 This act shall take effect in 60 days.